IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 22917 of 2002

Between:

M.Ameen Baig, s/o M.A.Amanullah Baig,
Mir-Alam Tank (Boating Unit), Zoo Park,

R/o 19-4-373, Kishanbagh, Bahadurapura,

Hyderabad.

..... PETITIONER

AND

1. The Chairman & Managing Director,
A.P.Tourism Development Corporation

Ltd, 3rd Floor, F.D.C.Complex,
A.C.Guards, Hyderabad.

2. The Executive Director,

A.P.Tourism Development Corporation Ltd.,
3rd Floor, F.D.C.Complex, A.C.Guards,

Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus declaring the action of 2nd respondent in terminating the petitioner from service vide order dt.29-10-2002 in No.TDC/03/DY-M-J/Adn 2002

and set aside the same as illegal arbitrary discrimination and violation of principles of natural justice and consequently direct the respondents to continue the petitioner in service.

Counsel for the Petitioner: MR.K.VENKATESWARLU (Not present)

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court made the following:

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in terminating the petitioner from service vide order dated 29.10.2002 in No.TDC/03/Dy-M-I/Admn/2002, as illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to continue the petitioner in service.

2. The brief facts that are necessary for disposal of this writ petition may be stated as follows:

The Commissioner of Fisheries Department have sponsored certain eligible and qualified candidates including the petitioner for the posts of Boat Drivers in A.P. Tourism Development Corporation and the first respondent herein conducted interview on 9.8.2000 through a duly constituted selection committee for the said posts and the petitioner and 16 persons were selected and the petitioner was appointed as Boat Driver in proceedings dated 4.9.2000 with a consolidated pay of Rs.1,500/- per month in addition to special incentive of Rs.4/- per trip and he has been discharging his duties to the utmost satisfaction of his superiors. It is further stated while the petitioner was working at Hussain Sagar Boating Unit, the respondents herein issued proceedings dated 17.9.2001 revising the remuneration of Boat Drivers as Rs.1,600/- consolidated pay per month and Rs.50/- D.A. with effect from 01.10.2001 in Roc.No.T.D.C./p2/Admn/2001 stating that the period of contract of Boat Drivers (Trainees) was extended for one more year. Though the petitioner was appointed through a process of selection, all of a sudden, second respondent issued order dated 29.10.2002 stating that the contract period of the petitioner was expired on 03.09.2002, hence his services were terminated with effect

from 31.10.2002. Aggrieved of the same, the present writ petition is filed.

3. The respondents filed counter-affidavit contending that the petitioner was not appointed as Boat Driver on regular basis at any point of time, but he was initially appointed as Boat Driver Trainee on contract vide proceedings No.TDC/AM (WT)/348/2000, dated 04.9.2000 on consolidated stipend of Rs.1,500/- per month in addition to special incentive of Rs.4/- per trip. It was clearly mentioned in the proceedings that the candidate will not have any claim whatsoever either for re-employment or absorption in the service of the Corporation. It is further contended that basing on the G.O.Ms.No.212 dated 22.4.1994, issued for regularization of the service of daily wage/NMR/consolidate wage employees, who have worked continuously for a minimum period of 5 years and are continuing on 25.11.2003, the candidates who were working as boat Drivers and fulfilled all the conditions laid down in the said G.O. approached this Court for regularization of their services, and as per the orders of this Court their services were regularized. After expiry of the contract period the petitioner was relieved from service as per the terms and conditions of the contract. It is not correct that except at the time of issue of proceedings dated 29.10.2002, no earlier order mentioning as a contract employee was issued by the respondent-corporation. Hence, the writ petition is liable to be dismissed.

4. None appears for the petitioner when the matter was taken up for hearing on 12.7.2005 and hence the matter was posted to today i.e., 13.07.2005 under the caption ‘for orders’. Today also none appears for the petitioner. Heard the learned Standing Counsel appearing for the respondents.

5. The learned Standing Counsel appearing for the respondents contended that there is no cause of action for the writ petitioner for filing writ petition as on 13.11.2002 and therefore on that ground the writ petition is liable to be dismissed. On merits also contended that it is purely a temporary appointment on contract basis, therefore, on expiry of contract period the petitioner cannot be continued and hence there are no grounds to interfere with the impugned proceedings.

6. By virtue of impugned proceedings dated 29.10.2002 issued by the respondents-corporation, the services of the petitioner were terminated with effect from 31.10.2002 as the contract period of the writ petitioner expired on 03.9.2002. Challenging the said proceedings, the present writ petition is filed. The learned Standing Counsel appearing for the respondents brought to the notice of this court about the proceedings dated 08.11.2002 under which the term of the petitioner is extended upto 31.3.2003. The same was specifically stated in the counter-affidavit. Therefore, as contended by the learned counsel for the respondents that there was no cause of action for the writ petitioner to file a writ challenging the order dated 22.10.2002 in view of the fact of proceedings already issued on 08.11.2002 extending the period of contract upto 31.03.2003, there is no lis to adjudicate in this writ petition.

7. The writ petition is, accordingly, dismissed. No costs.

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K.C.BHANU,J.

Date: 13th July 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chairman & Managing Director,
A.P.Tourism Development Corporation

Ltd, 3rd Floor, F.D.C.Complex,
A.C.Guards, Hydeabad.

2. The Executive Director,

A.P.Tourism Development Corporation Ltd.,
3rd Floor, F.D.C.Complex, A.C.Guards,

Hyderabad

3. 2 CD copies

4. 1 CC to MR.NANDIGAM KRISHANA RAO

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